IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): TERAURA et al.	**Allowed: July 29, 2004**
Serial No.: 09/987,795	**Confirmation No.: 7709**
Filed: November 16, 2001	**Issue Fee paid on September 23, 2004**
Title: METHOD OF CONTROLLING PHYSICAL DISTRIBUTION AND A PHYSICAL DISTRIBUTION CONTROLLING SYSTEM	Atty. Dkt.: 11-072-RCE
	Group Art Unit: 3653
	Examiner: BUTLER, MICHAEL E

FAX RECEIVED
DEC 15 2004
OFFICE OF PETITIONS

Commissioner for Patents
Arlington, VA 22202
Mail Stop Petitions

December 15, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Office of Petitions, Fax No. 571-273-0025, attention to Ms. Karen Creasy on December 15, 2004.

Typed Name: DAVID G. POSZ

Signature: _____

PETITION TO WITHDRAW FROM ISSUE PURSUANT TO 37 C.F.R. §1.313(C)(2)

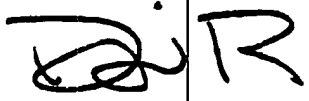
Sir:

Subsequent to payment of the issue fee payment on September 23, 2004, and pursuant to 37 C.F.R. 1.313(c)(2), Applicants hereby petition that the above identified patent application be withdrawn from issue in view of the Request for Continued Examination filed concurrently herewith. A Supplemental Information Disclosure Statement and copies of two U.S. patents are being submitted with the Request for Continued Examination.

In view of the above remarks and the attached papers, Applicants respectfully request that the present PETITION be granted, that the application be withdrawn from issue, and that the Request for Continued Examination and Supplemental Information Disclosure Statement filed herewith be entered into the record.

Authorization is hereby given to charge the requisite petition fee of $130 pursuant to 37 C.F.R. § 1.17(i) and the requisite RCE fee of $790 pursuant to 37 C.F.R. §1.17(e). Although no additional fees are believed to be due, authorization is hereby given to charge any unforeseen fees to deposit account 50-1147.

Respectfully submitted,



David G. Posz
Reg. No. 37,701

DGP/yfm

Posz & Bethards, PLC
11250 Roger Bacon Drive
Suite 10
Reston, VA 20190
(703) 707-9110 (phone)
Customer No. 23400

POSZ & BETHARDS, PLC

ATTORNEYS AT LAW

11250 ROGER BACON DRIVE, SUITE 10
RESTON, VA 20190

SPECIALIZING IN PATENTS, TRADEMARKS & COPYRIGHTS

DAVID G. POSZ
CHARLES W. BETHARDS *
JAMES E. BARLOW *
BRIAN C. ALTMILLER
ROBERT L. SCOTT, II
CYNTHIA K. NICHOLSON

* NOT ADMITTED IN VIRGINIA
PRACTICE LIMITED TO FEDERAL PATENT, TRADEMARK AND COPYRIGHT MATTERS

TEL: (703) 707-9110
FAX: (703) 707-9112
WWW.POSZLAW.COM

FACSIMILE TRANSMISSION

FAX RECEIVED
DEC 15 2004
OFFICE OF PETITIONS

Date: December 15, 2004 **Pages:** 27

To: **Ms. Karen Creasy**
Office of Petitions

From: David G. Posz

Company: **USPTO**

Fax No.: [redacted]571-273-0025

Subject:

PETITION TO WITHDRAW FROM ISSUE PURSUANT TO 37 C.F.R. §1.313(C)(2)

Comments:

Applicant(s): TERAURA et al.	**Allowed: July 29, 2004** **Confirmation No.: 7709**
Serial No.: 09/987,795	**Issue Fee paid on September 23, 2004**
Filed: November 16, 2001	Atty. Dkt.: 11-072-RCE
Title: METHOD OF CONTROLLING PHYSICAL DISTRIBUTION AND A PHYSICAL DISTRIBUTION CONTROLLING SYSTEM	Group Art Unit: 3653 Examiner: BUTLER, MICHAEL E

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Office of Petitions, Fax No. 571-273-0025, attention to Ms. Karen Creasy on December 15, 2004.

Typed Name: DAVID G. POSZ

Signature: _____

****Notice****

The information contained in this facsimile transmission is intended only for the above-indicated addressee, and may contain privileged and confidential attorney work product or trade secret information. Any dissemination, distribution or copying of any part of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender, and return the transmission to the sender at the above-indicated address.

Based on PTO/SB/21

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/987,795
Filing Date	November 16, 2001
First Named Inventor	TERAURA et al.
Group Art Unit	3653
Examiner Name	BUTLER, MICHAEL E
Attorney Docket Number	11-072-RCE

FAX RECEIVED
DEC 15 2004
OFFICE OF PETITIONS

ENCLOSURES ***(check all that apply)***

- [X] Fee Transmittal Form
 - [] Fee Attached
- [] Amendment / Response
 - [] After Final
 - [] Affidavits/declaration(s)
- [] Extension of Time Request
- [] Express Abandonment Request
- [X] Information Disclosure Statement
- [] Certified Copy of Priority Document(s)
- [] Response to Missing Parts/ Incomplete Application
 - [] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [] Assignment Papers *(for an Application)*
- [] Drawing(s)
- [] Licensing-related Papers
- [] Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- [] To Convert a Provisional Application
- [] Power of Attorney, Revocation Change of Correspondence Address
- [] Terminal Disclaimer
- [] Small Entity Statement
- [] Request of Refund
- [] After Allowance Communication to Group
- [] Appeal Communication to Board of Appeals and Interferences
- [] Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- [] Proprietary Information
- [] Status Letter
- [X] Additional Enclosure(s) *(please identify below):*
 - Request for Continued Examination
 - Petition to Withdraw From Issue Pursuant to 37 C.F.R. §1.313 (C)(2)
 - Copies of two U.S. patents cited in IDS

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm *or* Individual name	David G. Posz (Reg. No. 37,701) Posz & Bethards, PLC
Signature	
Date	December 15, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Office of Petitions, Fax No. 571-273-0025, attention to Ms. Karen Creasy on December 15, 2004.

Typed Name: DAVID G. POSZ

Signature: _____

Based on PTO/SB/17
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 920

	Complete if Known
Application Number	09/987,795
Filing Date	11/16/2001
First Named Inventor	TERAURA et al.
Examiner Name	BUTLER, MICHAEL
Art Unit	3653
Attorney Docket No.	11-072-RCE

FAX RECEIVED
DEC 15 2004
OFFICE OF PETITIONS

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number: 50-1147

Deposit Account Name: Posz & Bethards, PLC

The Director is authorized to: *(check all that apply)*

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below	Fee Paid
Total Claims	-20**=	X	50	=
Independent Claims	- 3**=	X	200	=
Multiple Dependent			360	=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	**Reissue Independent claims over original patent
1205	60	2205	25	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive – unavoidable	
1453	1,500	2453	750	Petition to revive – unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	790
1802	900	1802	900	Request for expedited examination of a design application	
				Other fee (specify)	

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 920

SUBMITTED BY

Complete *(if applicable)*

Name (Print/Type)	DAVID G. POSZ	Registration No. (Attorney/Agent)	37,701	Telephone	(703) 707-9110
Signature				Date	December 15, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2